

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DONNIE DEWAYNE SMITH

PLAINTIFF

v.

No. 5:21-CV-05155

LAWRENCE COUNTY, MO and
WASHINGTON COUNTY, ARKANSAS

DEFENDANTS

OPINION AND ORDER

On August 31, 2021, a complaint was filed and the Clerk opened this case. On September 7, 2021, a petition for writ of habeas corpus was filed. Neither document will be considered a valid pleading and this case will be closed.

Title 28 U.S.C. § 1654 allows that “[i]n all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.” The documents in this case were not signed and filed by an attorney admitted to practice in this Court, nor are they signed by Plaintiff Donnie Smith. Instead, the documents are signed by “Doyle Smith,” Donnie’s brother, who appears to have power of attorney for Donnie. Power of attorney is a tool of state law. It may properly allow Doyle to obtain an attorney to represent Donnie in this Court, and to sign some paperwork on Donnie’s behalf. It does not allow Doyle to act as Donnie’s attorney in this Court, and it does not expand § 1654’s allowance that Donnie may conduct his own case “personally” to allow Doyle to sign pro se documents as Donnie.

The Clerk is directed to close this matter.

IT IS SO ORDERED this 8th day of September, 2021.

P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE